ORDER RECEIVED FOR FILING
Date 4/23/22
By Affgrowth

IN RE: PETITION FOR ADMIN. VARIANCE

W/S Fieldgreen Road, 814' W of Fieldchat

11th Election District

5th Councilmanic District

(4401-A Fieldgreen Road)

BEFORE THE

ZONING COMMISSIONER

* OF BALTIMORE COUNTY

Barbara M. & George H. Dahlke

Petitioners

CASE NO. 02-406-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Barbara M. and George H. Dahlke. The variance request is for property located at 4401-A Fieldgreen Road in the eastern area of Baltimore County. The variance request is from Sections V.B.5.a and V.B.5.b of the 1970, Comprehensive Manual of Development Policies (C.M.D.P.) and Sections 1B01.2.C.2.a and 504.2 of the 1970, Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed addition (sunroom) with a window to tract boundary setback of 25 ft. in lieu of the required 35 ft., a building to tract boundary setback of 25 ft. in lieu of the required 30 ft., and to amend the approved Final Development Plan for Brookhurst (Lot 28, Block B). The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning

Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of April, 2002, that a variance from Sections V.B.5.a and V.B.5.b of the 1970, Comprehensive Manual of Development Policies (C.M.D.P.) and Sections 1B01.2.C.2.a and 504.2 of the 1970, Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed addition (sunroom) with a window to tract boundary setback of 25 ft. in lieu of the required 35 ft., a building to tract boundary setback of 25 ft. in lieu of the required 30 ft., and to amend the approved Final Development Plan for Brookhurst (Lot 28, Block B), be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER

FOR BALTIMORE COUNTY

LES:raj



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Fax: 410-887-3468

April 22, 2002

Mr. & Mrs. George H. Dahlke 4401-A Fieldgreen Road Baltimore, Maryland 21236

> Re: Petition for Administrative Variance Case No. 02-406-A Property: 4401-A Fieldgreen Road

Dear Mr. & Mrs. Dahlke:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Lawrence E. Schmidt Zoning Commissioner

LES:raj Enclosure

c: Gregory A. Falter c/o Patio Enclosures 224 8th Avenue, NW Glen Burnie, MD 21061



Petion for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4401 Fieldgreen RD #A which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) V. B. S. a and V. B. S. b (1970, CMDP) and Sections 1801, 2, C, 2, a and 504, 2 (1970, BCZR) to permit an addition (sun room) with a window to tract boundary set back of 25 feet in lieu of the required 35 feet, a building to tract boundary setback of 25 feet in lieu of the required 30 feet, and to amend the approved Final Development Plan for Brookhurst (Lot 28, Block B) of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form. Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee. Legal Owner(s): George H. Dahlke Name - Type or Print Name -Type or Signature Barbara M. Dahlke Address Telephone No. City State Zip Code Attorney For Petitioner: 4401 A Fieldgreen RD 410-529-5453 Telephone No. Baltimore MD, 21236 Name - Type or Print City Zip Code Representative to be Contacted: Signature Gregory A. Falter Company 224 8th Ave. NW 410-760-1919 Address Telephone No. Address Telephone No. Glen Burnie MD 21061 City State Zip Code City State Zip Code A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations pre County and that the property be reposted. Zoning Commissioner of Baltimore County

2-406 A **Estimated Posting Date**

Affidavit i Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

competent to testify thereto in the event that a public hearing is scheduled in the future	with regard thereto.
That the Affiant(s) does/do presently reside at 4401 Fieldgreen RD. 4491	•
Address Raltimore Md 24226	
- Baltimore Md, 21236 City State	Zip Code
That based upon personal knowledge, the following are the facts upon which I/we bas Variance at the above address (indicate hardship or practical difficulty):	e the request for an Administrative
1. This area lends itself to the utilization of existing facilities and land interruption or major alterations to the present floor plan patterns.	d without
2. Insulate and reduce heating bills.	
3. Reduce road noise.	
4. A place to sit out and not be concerned with the weather, bugs: metc	osquitos, flies
5. Improve the apperance of the house	
The restrictive area of the lot does not lend itself to any addition or requiring a variance.	f pratical size without
That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be advertising fee and may be required to provide additional information.	required to pay a reposting and
Heorge H Delle Signature	- h Salke
George H. Dahike Barbara M. Dahike	.
ame - Type or Print Name - Type or Print	
TATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:	
	fore me, a Notary Public of the
THORIZE HOLLING & TRATEBATES M	DAHLYL
ne Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) we that the matters and facts hereinabove set forth are true and correct to the best of hi	s), and made oath in due form of s/her/their knowledge and belief.
S WITNESS my hand and Notarial Seal	
, (* 1	luc
	NUS

My Commission Expires

REV 09/15/98 🤸

ZONING DESCRIPTION FOR 4401 FIELDGREEN RD #A

BEGINNING AT A POINT ON THE WEST SIDE OF FIELDGREEN RD
WHICH IS 30' WIDE AT THE DISTANCE OF 814' WEST OF THE
NEAREST IMPROVED INTERSECTING STREET FIELDCHAT WHICH
IS 30' WIDE. BEING LOT # 28 BLOCK B, SECTION _____ IN THE
SUBDIVISION OF BROOKHURST AS RECORDED N COUNTY PLAT
BOOK # 55, FOLIO # 96, CONTAINING 8,130 SQ'. ALSO KNOWN AS
4401 FIELDGREEN RD #A LOCATED IN THE 11th ELECTION
DISTRICT 5th COUNCILMANIC DISTRICT.

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No. 1017	B	PAID RECEIPT	TIKE
DATE $3/22/02$ ACCOUNT R	001-006-615	TO RES H	72/2002 3/22/2002 506 WALKIN KNOW 1 EIPT N 073639 3/22	CAN DANNER 4.7 2/2002 OFLA
AMOUNT \$	00,00	CR NO	5 528 ZONING VEI . 010172	
RECEIVED GREGORY A FATHER	The state of the s		Recet Tot 100.00 CK Baltimore County,	W CA
FOR 4401-A Fieldgre				
02-406-A				
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTON	AER		CASHIER'S VAL	IDATION

:



ZONING NOTICE **ADMINISTRATIVE** CASE # 02-406-A TO PERMIT AN ADDITION (SUN ROOM) WITH A WINDOW TO TRACT BOUNDARY SETBACK OF 25 FEET INLIEU OF THE REQUIRED 35 FEET, A BUILDING TO TRACT BOUNDARY SET-BACK OF 25 FEET INLIEU OF THE REQUIRED SOFEET AND TO AMEND THE APPROVED FINAL DEVELOPMENT BANGE BOOKHINGST (LOT 28, PLOCK"B") PHASMANT TO SECTION 24-177(FIXT); BALTIMORE COUNTY CODE AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE 4.30 p.m. ON APRIL 15, 2002 AMORTIONAL INFORMATION IS AVAILABLE AT COMME ADMINISTRATION AND DEVELOPMENT MANAGEMENT TEL. 887-3391 nation of public and property of the second second

CERTIFICATE OF OSTING

٦	RE: Case No.: 02-406-A
	Petitioner/Developer:
à	DAHLKE-PATIO ENCLOGURES
	Date of Hearing/Closing: APRIC 15, 7007
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
were posted conspicuously on the property l	perjury that the necessary sign(s) required by law ocated at
The sign(s) were posted on	(Month, Day, Year)
	Sincerely, Signature of Sign Poster and Date)
	GARLAND E, MOORE (Printed Name) 3225 RYERSONI CIRCLE
	(Address) BALTIMODE, MD, 21227 (City, State, Zip Code)
	(410) 242-4263 (Telephone Number)

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

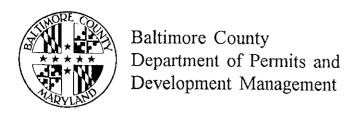
For Newspaper Advertising:
Item Number or Case Number: 02-406-A
Petitioner: _Dahlke, George and Barbara
Address or Location: 4401°Fieldgreen RD, Baltimore MD, 21236
PLEASE FORWARD ADVERTISING BILL TO:
Name: Patio Enclosures Inc
Address: 224 8th AVE, NW
Glen Burnie 21061
Telephone Number: <u>410-760-1919</u>

Revised 2/20/98 - SCJ

LUIVING INLVILVY

ADMINISTRATIVE RIANCE INFORMATION SET AND DATES

Case Number 02- 406 -A Address 4401-A Fieldgreen Road Contact Person: Jeffrey Perlow Planner, Please Print Your Name Planner, Please Print Your Name		
Contact Person: Jeffrey fer low Planner, Please Print Your Name Phone Number: 410-887-3391		
Filing Date: 3/22/02 Posting Date: 3/3/02 Closing Date: 4/15/02		
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.		
1. <u>POSTING/COST</u> : The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.		
2. <u>DEADLINE</u> : The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.		
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.		
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.		
(Detach Along Dotted Line)		
Petitioner: This Part of the Form is for the Sign Poster Only		
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT		
Case Number 02-406 -A Address 4401-A Field green Road		
Petitioner's Name <u>Dahlke</u> Telephone <u>410 - 529 - 5453</u>		
Posting Date: 3/31/02 Closing Date: 4/5/02		
Nording for Sign: To Permit an addition (sun room) with a window to truct boundary		
setback of 25 feet in lieu of the required 35 feet, a building to tract bounder		
set back of 25 feet in lieu of the required 30 feet, and to umend		
the approved Final Dovelopment Plan for Brookhurst (Lot 28, Block B)		
WCR - Revised 6/28/00		



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

April 15, 2002

Mr. & Mrs. George H Dahlke 4401 A Fieldgreen Road Baltimore MD 21236

Dear Mr. & Mrs. Dahlke:

RE: Case Number: 02-406-A, 4401 A Fieldgreen Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 22, 2002.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. G > \Control Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Mr. Gregory A Falter, 2248th Avenue NW, Glen Burnie 21061 People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: May 1, 2002

Department of Permits & Development

Management

FROM:

obert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 8, 2002

Item Nos. 401, 402, 404, 405, 406, 407, 408, 409, 410, 411, 413, 414, 415, 416, 417, 418, 419, 420, 421,

422, 423 and 425

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:CEN:cab

cc: File



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

April 12,2002

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF April 8, 2002

Item No.: See Below

Dear Mr. Zahner:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 401, 402, 404-417,419-425

(4ch)

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office PHONE 887-4881, MS-1102F

cc: File

COUNTY REVIEW GROUP MEETING {PRIVATE }

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley

DATE:

May 1, 2002

Zoning Advisory Committee Meeting of April 8, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

401, 404, 405, 406, 407, 410, 412, 413, 414, 417, 418, 420, 421, 423

AIK MK

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: April 17, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

47777

SUBJECT:

4401 Fieldgreen Road

INFORMATION:

Item Number:

02-406

Petitioner:

George H. Dahlke

Zoning:

DR 5.5

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to allow the construction of an addition with a window to tract boundary of 25 feet in lieu of the minimum required 35 feet and to amend the approved final development plan for the Brookhurst subdivision.

Prepared by:

Section Chief:

AFK/LL:MAC:



Maryland Department of Transportation State Highway Administration

Parris N Glendening Governor John D. Porcari Secretary Parker F. Williams Administrator

Date: 4.12.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County

Item No. 404

JHP

Dear, Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

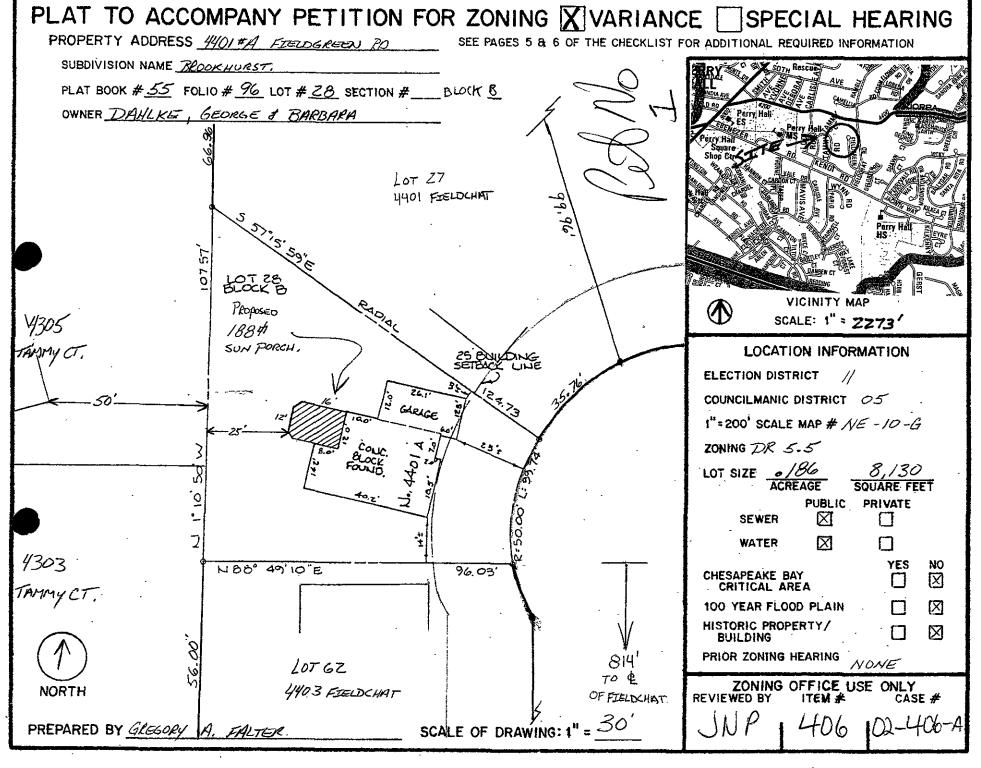
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

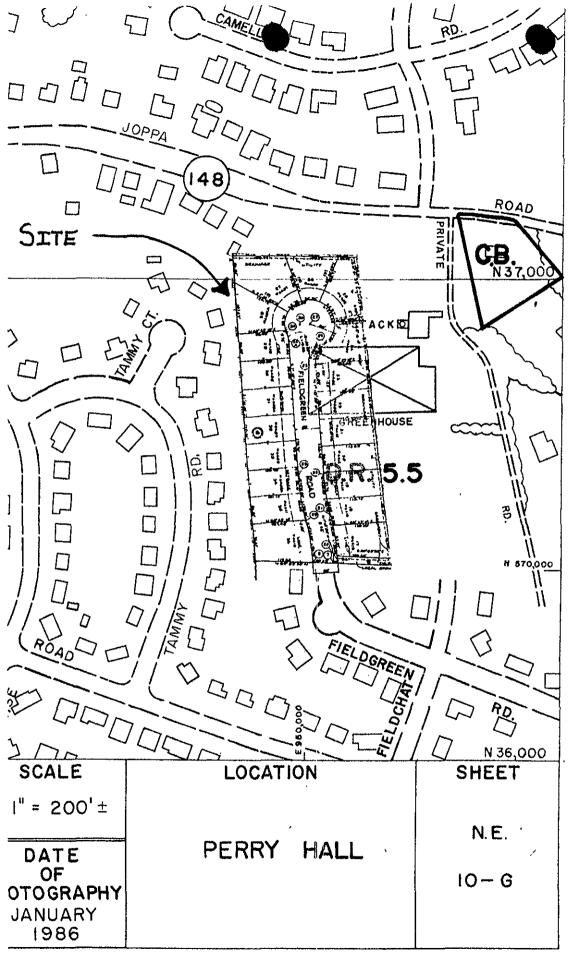
Very truly yours,

1. J. Dredle

1

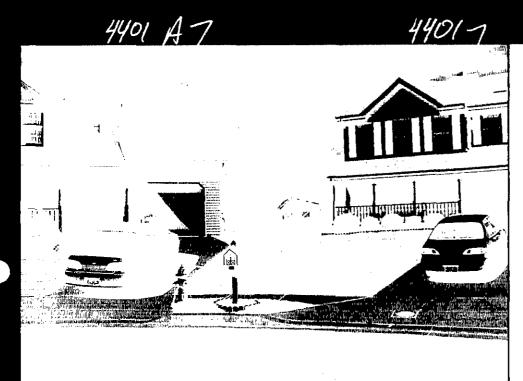
Kenneth A. McDonald Jr., Chief Engineering Access Permits Division





S S S

(#406





FRONT RIGHT OF HOME

PROPOSED AREA OF SUNPORCH ON NEW WOOD FOUND.



FRONT LEFT OF HOME.



REAR OF HOME